

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
FEBRUARY 20, 2006

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

TABLE OF CONTENTS

Call to Order	1
Commissioners Present	1
Commissioners Absent	1
Adoption of Agenda.....	1
APPROVED AS AMENDED	1
Approval of Minutes	1
APPROVED AS PRESENTED	1
Discussion of Manure application to Soybeans	2
Public Participation.....	4
Hugh Espey	4
Stan Vanderhorst.....	4
Jody Vanderhorst	5
Glenda Walker	5
Jim Rubis	5
Roger Clingan	5
Kent Krause	5
Mike Delaney.....	6
Mike Blaser	6
Directors Remarks	8
INFORMATIONAL ONLY	8
Contract with Iowa State University for a Protocol to Assess Sediment Related Biological Impairments	8
APPROVED AS PRESENTED	10
Referrals to the Attorney General	10
Kenneth Moellers (Howard County) – Animal Feeding Operations	10
REFERRED.....	13

Charles F. Deering Jr., (Postville) – Animal Feeding Operations	13
REFERRAL DEFERRED	15
Solid Waste Alternatives Program – Contract Amendment	15
APPROVED AS PRESENTED	17
Solid Waste Alternatives Program – Recommendations	17
APPROVED AS PRESENTED	18
Contract – Iowa Association of Water Agencies, Des Moines Water Works, City of Cedar Rapids Water Division, City of Iowa City Water Dept., and Rathbun Regional Water Assoc.- Source Water Protection	18
APPROVED AS PRESENTED	19
Contract – Des Moines Water Works - Coliform Study in Des Moines River and Tributaries	19
APPROVED AS PRESENTED	20
Clean Water State Revolving Loan Fund – 2006 Intended Use Plan Fourth Quarter Update.....	20
APPROVED AS PRESENTED	25
Final Rule – Chapters 40, 44, 90, 91, 92, 93 – Revisions to State Revolving Fund Rules.....	25
APPROVED AS PRESENTED	27
Final Rule - Chapter 22 (Air Construction Permitting Exemptions)	27
APPROVED AS PRESENTED	28
Notice of Intended Action - Chapter 64 – Wastewater Construction and Operation Permits	28
POSTPONED.....	29
Notice of Intended Action – Chapters 50-54 – Water Use and Water Allocation Rules.....	29
APPROVED AS PRESENTED	30
Notice of Intended Action – Chapter 135 Uniform Environmental Covenants Policy and Procedures.....	30
APPROVED AS PRESENTED.....	31
PROPOSED CONTESTED CASE DECISIONS	31
Linn Grove Hatchery, Inc.	31
Mike Elsbernd.....	31
Keith Kruse	32
NO ACTION TAKEN	32
Proposed Rule– Chapters 68 and 69	32
INFORMATIONAL ONLY.....	34
Proposed Rule – Chapter 65 – Technical Correction to 65.17 Manure Management Plan Content Requirements	34
INFORMATIONAL ONLY.....	34

Proposed Rule: Chapters 22 and 23, Air Quality Program Rules - Updates, Revisions, and Additions.....	34
INFORMATIONAL ONLY.....	36
Monthly Reports	36
INFORMATIONAL ONLY.....	61
General Discussion	61
INFORMATIONAL ONLY.....	61
Next Meeting Dates	61
Adjournment	61

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at p.m. on February 20, 2006 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT

Suzanne Morrow
Darrell Hanson, Chair – arrived at 10:45 AM
Jerry Peckumn, Vice Chair
Donna Buell
Francis Thicke
Mary Gail Scott
David Petty

COMMISSIONERS ABSENT

Henry Marquard
Lisa Davis Cook, Secretary

ADOPTION OF AGENDA

Wayne Gieselman requested to pull item 12 – Notice of Intended Action – Chapter 64 – Wastewater Construction and Operation permits. We are working out the details with Iowa Limestone.

Francis Thicke asked for an update on the livestock facility in Wapello County.

Wayne Gieselman said that he would like to discuss this during General Discussion.

Motion was made by Sue Morrow to approve the agenda as amended. Seconded by David Petty. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Francis Thicke to approve the January 17, 2006 EPC meeting as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

DISCUSSION OF MANURE APPLICATION TO SOYBEANS

Jim Baker presented a PowerPoint presentation on Drainage Water Quality Research from Gilmore City and Nashua Facilities. (A full copy can be located in the Department's Record Center.)

Prepared by:

College of Agriculture

Department of Agricultural and Biosystems Engineering

Department of Agronomy

Iowa State University, Ames

****SUMMARY******Iowa water quality studies – “Fall manure application to fields to be grown to soybeans”**

Although other circumstances may influence a producer's decision to apply manure to both corn and soybeans in a corn-soybean rotation, considering only crop production and nitrate N-leaching on tile-drained land, it is not the best practice. This conclusion is based on data from two water quality research sites in north-central and northeast Iowa. For the four-year study (2001-2004) at the Gilmore City research site in Pocahontas County, applying liquid swine manure at the rate of 150 lb N/acre before corn and soybeans did not increase either corn or soybean yields compared to 200 lb N/ac of manure applied every other year before corn. In addition, the total of 300 versus the 200 lb. N/ac two-year rate resulted in nitrate-N concentrations in tile drainable increasing on average from 17 to 23 mg/L, a 35 % increase that was statistically significant. For the five-year study (2001-2005) at the northeast Iowa research farm in Floyd County, applying liquid swine manure at the rate of 150 lb N/ac before corn and 200 lb N/ac before soybeans increased corn and/or soybean yields slightly some years (on average 4.5 and 2.0 bu/ac for corn and soybeans, respectively) compared to 150 lb N/ac of manure applied every other year before corn. The total of 350 versus the 150 lb N/ac two-year-rate resulted in nitrate-N concentrations in tile drainage increasing on average from 22 to 40 mg/L, an 82% increase that was statistically significant.

Iowa water quality studies - “Fall application of commercial N fertilizer”

While logic would say that applying N, as ammonia or manure, in the fall could lead to increased nitrate-N leaching (and denitrification) and reduced corn yields, that did not happen in our Iowa water quality study. In a four-year application timing study at the Gilmore City water quality research site in Pocahontas County (2001-2004; a study that is being continued in a new research phase), applying liquid swine manure in the fall before corn (in a corn-soybean rotation) at the rate of 200 lb N/acre compared to a spring application at the same rate did not decrease corn yields or increase nitrate-N concentrations in tile drainage. Likewise, applying ammonia (in aqua form) in the fall before corn (in a corn-soybean rotation) at the rate of 150 lb N/acre compared to spring application at the same rate did not decrease corn yields or increase nitrate N concentration in tile drainage. Furthermore, applying ammonia before corn (in a soybean rotation) at the rate of 225 lb N/acre compared to a spring application at the same rate did not decrease corn yields or increase nitrate-N concentrations in tile drainage. However, the increase in N application rate of 75 lb/ac rate (225 versus 150 for both spring and fall treatments) resulted in nitrate-N concentrations tile drainage increasing on average from 14 to 21 mg/L, a 50%

increase that was statistically significant. Although precipitation patterns were such that there was tile flow in each of the four springs of the study, only for one year, 2001, was spring precipitation above normal. However, even for that year, fall applications did not increase nitrate-N leaching or decrease corn yields over spring applications.

Minnesota water quality studies – “Fall application of commercial N fertilizer”

There are other studies in Minnesota that show decreased corn yields and increased nitrate-N leaching with fall versus spring fertilizer N applications. In a 15 year study at Waseca, on average, fall N applications decreased corn yields 12 bu/ac and increased nitrate-N concentrations in tile drainage 15% compared to spring applications. Using those data and given that about 25-30% of the N applied to corn in Iowa is applied in the fall, if fall-fertilization was banned, it would be estimated that the decrease in state-wide nitrate-N leaching losses would be about 4%. The predominant nitrate N transport mechanism is with the tile-drainage, so for corn (over half) grown on those lands not tile drained, a ban would have little effect on nearby surface water quality. When considering field costs, in the Minnesota study, spring application was on average more profitable, even when a premium of 10% was paid for N in the spring over the fall. The average annual savings in N against leaching of about 5 lb/ac is not sufficient to produce the average increase in corn yield of 12 bu/ac; therefore, reduction in N loss by processes other than leaching, such as denitrification, must have occurred to a greater extent to cause that degree of yield increase.

(A full report can be located in the Department's Record Center.)

Jerry Peckumn asked what the commission would like to do now with the information received.

Donna Buell suggested that we wait until we fully read and understand the material.

Francis Thicke said that there are issues with the application of manure to soybeans - 3.8 lbs N per bushel, which ISU is now finding is not on target. We need to be responsible in making sure that our goals are sound.

Donna Buell asked the Department to develop a rule proposal for a limit or ban on application to ground that is going to soybeans and looking at the MMP.

Wayne Gieselman said that a working group should be developed in order to involve comments from everyone. Amongst the staff, we could put together a proposal and come back in March/April.

Jeff Vonk said that we will come back in April with some analysis on what might be done to address the specific issue of manure to soybean ground. At that time, you can decide whether you want to accept that or include a broader workgroup or that it's not valid.

The Commission agreed that to be an acceptable request.

PUBLIC PARTICIPATION

HUGH ESPEY, member of ICCI said that facilities need MMPs. We have had members in the past talk about the 5,000 head hog confinement near Bear. On this MMP, they had the option of applying manure soybean ground. It doesn't make sense at that time or now.

Here are a couple of comments from ICCI members (mainly farmers) surveyed about the application of liquid manure on soybean ground:

"Use of manure on fields intended for soybeans has not been recommended but beans and other legumes can use nitrogen in the air for their growth. Soybeans also produce extra-nitrogen at approximately 60 lb per acre. Which would be available as a nutrient for the crop being planted the following year. Therefore, applying manure before planting soybeans is a waste of a resource that could be used for other crops (corn). Extra nitrogen from the manure can increase groundwater contamination."

"Increased nitrogen in nearby waters from tile drainage or run-off is highly predictable. I would say to the DNR, the economic and environmental advantages of applying manure to corn rather than to soybeans, is simply a given. When manure is applied ahead of a soybean crop, it simply due to inadequate acres and desire to minimize hauling costs, with minimal concern about the water pollution potential from nitrogen that is not needed."

-farmer from Northwest Iowa

"Beans will use nitrogen that is applied to the soil before it is used from the air. So in essence, any nitrogen that is applied to beans is wasted."

"We need to consider both what grew on any one piece of ground right before applying manure and what will be grown on it in the growing season. The basic idea is to try and plant a legume, a nitrogen fixing crop such as soybeans or alfalfa."

"Adding manure to bean ground is primarily to dump the waste and increase the potential for pollution run-off. I would highly discourage this practice for the sake of water quality and the protection of aquatic life."

"Animal manure is a valuable source of nutrients. If we are serious in Iowa about cleaning up our water then disown the practice of applying manure to beans. It would be easy to implement and should be done."

STAN VANDERHORST, farmer from SE Iowa near the proposed Farson Hog confinement site. He expressed his environmental concerns on the location of the proposed site. It is very close to the creek and on CRP land. There are many slopes on this land that range from 0-40%. With the type of soils on this land, it is not a good situation. Where will the manure be spread? Please consider the location of this confinement. A MMP has been submitted to the DNR but no permit has been issued at this point.

JODY VANDERHORST, from SE Iowa. She would be the closest neighbor to the proposed Farson Hog confinement. The location is highly erodible CRP land and has a high potential for flooding problems. Given the floodplain at this area, one may ask, is this facility really far enough from a creek that floods as severely as this one does? This is a heavily flooded area. We need to ask what would happen if we got a big rain.

GLENDIA WALKER, live a mile NW of the proposed site near Farson. My concern is with the drag hose across the creek. There is a 41 foot change in elevation from the creek to the top of the hill where the manure is to get by. After the pit is empty what happens to the manure that is left in the hose. Does it lay there in the creek until the next time? What can't regulations be made to make this CAFOs use filtration systems to eliminate gases in our air quality. Please help us protect our air and water.

JIM RUBIS, from Fairfield, representing Jefferson County farmers and neighbors. I own land six miles from the Twin Oaks proposed hog site. My farm is in the junction of Cedar and Coopertine creek. My concern is with the water. The land is highly erodible and steep. Cedar Creek will go up as much as 15-20 feet in one day following a rain. This watershed has steep land and covers a large area and it's concentrated very quickly into these two creeks. There is a build up of silt, which is good, my bottomland is very good. When you look at potential spills, runoff of manure, this material would end up going downstream as well as the nitrogen. Cedar Creek has three major county conservation areas with high developed hiking, canoeing, and fishing. Groundwater pollution is also a concern. Water is the main concern with this site. Thank you for your consideration on this.

ROGER CLINGAN, livestock farmer near Batavia. We own land adjoining the proposed Farson hog site. My questions are directed toward the terrain of this land. This site is in Wapello County in the Northeast corner. The manager of this site is Dr. Jets from Grinnell Iowa. He has meet with the neighbors of this area and all we get is vague answers on how the manure is going to be applied and where is it going to be applied. When you look at these farms where the manure is suppose to go, its borderline. It's rough ground. As far as their plan goes, everything is within the rules, but sometimes you have to look at the site. I think they are following the rules and regulations but you need to look at the ground to see that it's very questionable. He has no plan on fencing in the compost area of dead pigs. I am concerned about that. There is quite a distance on piping the manure across the creek. I ask that you really consider this and it should be denied.

KENT KRAUSE, from Iowa Falls was curious to know what the losses would have been on just applications ahead of soybeans only. I'm asking if the data that was presented this morning, is a result of multiple applications or repeated applications or a result of actual utilization by soybeans. I don't know if it's fair to assume that manure going ahead of soybeans is necessarily going to be a result of repeated applications. There are still a minimum number of areas in Iowa that are being treated with manures. I think the last number I saw was less than 10% of Iowa's total areas receiving manure. I don't know that it's fair to say, that just because a field received manure ahead of soybeans, that it gotten that several years prior. There is still lot of opportunity to rotate the manures to several different fields. I don't want to quote the 10% number, since I'm

somewhat unsure. A majority of the plans we do, the actual manure analysis that comes out of the pits every year is substantially less than table value. You want to get the actual fields identified as close as you can because there are additional costs to that producer in having fields that he will never have manure to apply on.

Jerry Peckumn by allowing manure applied to soybeans, is reducing their costs?

Kent Krause said that it's producer specific but it maybe a situation where the producer is trying to stay in compliance with his conservation plan with NRCS or even his phosphorus risk index. He may not want to apply his fertilizers ahead of the corn crop. He may choose to apply his fertilizers on the corn stalks going ahead of the soybeans. There are situations where producers are applying their manure or fertilizers ahead of soybeans.

(Commissioners shortly discussed this issue further)

MIKE DELANEY, President of the Iowa Raccoon River Association said that they are an association made up of 62 members along the Raccoon River. They are concerned with the water quality of the river. We do appreciate the rulemaking and steps being made. Confinement operations are a problem in Iowa. What is happening to the water quality is a result of the confinements. We know that manure is contributed to high nitrogen. Confinements are moving everywhere around the world where environmental protection is not as strict. I do know from water quality testing that I have done can spike when there is a thaw. We appreciate your interest in waste management plans. Thank you for the recommendations.

MIKE BLASER, from West Des Moines pointed out the following

Figure 3 – from the Gilmore City Research. There are some limitations on this study. First of all, this is all tile field. There is no data from not tiled fields or surface applicators or other forms of manure, other than liquid swine manure. In table 3, the last three columns seem to be the most applicable. The other assumption that I question is on the corn and soybean yield, the beans were assumed at 3.8 lbs per bushel and 3.8 lbs nitrogen to be yielding 54 bushels an acre. If you used the 3.3 number, you would be at 61 bushels an acre. Those are pretty high bean yield. So you are using low corn and high bean yields and applying 200 lbs of nitrogen on ground going to beans and then saying that there is more tile leaching than you would accept to see. The last limitation is that there is no corn on corn rotation assumed anywhere in the data. We don't have any data that says that if you apply manure on every fall on corn or hydrous ammonia every fall on corn out of these data sets to tell you what you will see in the tiles. This needs a lot of thought. The table number is significantly outdated. You don't have any corn on corn data, so you have more total nitrogen going into the system.

-----End of Public Participation-----

Wayne Gieselman said that field office staff is reviewing the manure management plan for the Farson hog lot. There are issues of P-index figures and the slopes on the land. The permit will not get issued today. Some of those questions still need to be answered. Wapello County is not participating in the Matrix, some of this is legal stuff. As a result, the facility does not have to

apply with or go beyond the basic requirements of the law nor does Wapello County have any appeal rights for this decision. I understand a number of these folks have petitioned their supervisors, but the county still declined to be apart of the Matrix. We can talk to the facility about the drag hose across the creek but the bottom line is that they are not in violation of the rules or statute. If they get manure in the creek, they would be in violation. The floors of the proposed buildings will be 8 feet above the 100 year floodplain levels. There will not be an issue with the floodplain levels since they are above the levels. There will be some filling as part of the grading for the whole site, it will occur on the fringes of the floodplain and because of that there will need to be a permit from the floodplain folks for that filling. There has also been an issue on a well on one of the manure application fields. We are still looking into that, if it's an abandoned well the landowner will need to properly cap it, if it's a well that's in use there are set back separation distances from land application of that manure. If they are surface applying manure they have to be 100 feet away from the well under the statute. If they are injecting, they can go right up to the well casing and that again is in the statute. I think from everything I've seen with the exception of the questions on the P-index for the MMP, this facility meets the requirements of the statute and rules of the Department.

Francis Thicke said that he had run through the calculation of the P-index of this site. As mentioned the soils on this site are highly erodible. The MMP was put together by a private consulting firm. The RUSLE program, which was used, can be taken from online. I presume that is what they did. I went to a local NRCS office and asked them how they would calculate this without giving them any names, just by looking at the residue levels, there is no way you can achieve that sort of residue on 9-14% slope. They back calculated it and found that they were using 160 bushel of acre yield for corn. Using their normal field office technical guide inputs, it shows 62 bushel of acre since it is a D slope. This is only for a corn and corn rotation, not a corn-soybean rotation which the MMP calls for, so the residue level would be much higher. About 75% of the soils in the whole index calculation would really be affected, either eliminated or a P-based manure application. It raises the question, because you can change the inputs and your result and then you can go back and change your inputs until you get the results that work. That doesn't mean that the inputs are valid and that concerns me. I think there needs to be a way that we can verify the numbers in the future on highly erodible land.

Francis Thicke said making our p-index in line with NRCS p-index would be the way to go.

Wayne Gieselman said that we do not have enough staff to check the inputs of the slopes.

Darrell Hanson said that he understands the fact that we can't spot check every one but since we already know that there are issues with the calculations.

Motion was made by Francis Thicke that the EPC request the DNR to deny the Construction Permit application of Twin Pines LLC because 1) implementation of the Manure Management Plan would result in soil erosion rates far in excess of what would be allowed by an approved USDA conservation plan, and 2) erroneous calculations of soil erosion rates in the MMP render the P Index results invalid. Seconded by Donna Buell.

Jeff Vonk said that Francis Thicke has presented some valid concerns over a submitted manure management plan. We have 30 days deny or grant the permit, unless the producer requests a 30 day extension. It seems to me that the direction you're heading with the motion should wait until the applicant is notified and present.

Francis Thicke said that he is only requesting the DNR to deny the permit because he is concerned about other MMP's where someone may not have double checked the calculations.

Mary Gail Scott said that individuals reading these plans, should have gotten a reaction when the numbers inputted in the table were drastically off compared to what they should be.

Jeff Vonk said that no one speaking here really knows the details of this plan. This has been looked at and we will continue to look at the calculations. We don't know where they intended to spread the manure and how much will be used.

Francis Thicke said that it appears to be deliberate because they took the lower inputs in order to meet the requirements. This is a fraudulent application in my mind.

Jeff Vonk said that depending on what the applicant does, but assuming that we get a 30 day extension. At the next meeting, we can come back and report to you our findings and then inform the applicant on our findings.

Roll call vote went as follows: Jerry Peckumn – nay; Suzanne Morrow – nay; Darrell Hanson – nay; David Petty – nay; Donna Buell – nay; Mary Gail Scott – nay; Francis Thicke – aye. Motion failed.

Darrell Hanson said that this should be discussed at next month's meeting and also to inform the applicant. I want to thank Francis for his work and research.

DIRECTORS REMARKS

Jeff Vonk said that a bill has been introduced to the legislator relating to water quality standards. Essentially the rule that the Commission passed last month, there is a formal bill written and presented the would supersede our rule. We have serious objections to a number of pieces in that bill and we will continue to lobby and make sure that the bill complies with our rule or hope that the Governor would veto something that is not acceptable. There is a version in both the house and senate. (Senate Study Bill 3069)

INFORMATIONAL ONLY

CONTRACT WITH IOWA STATE UNIVERSITY FOR A PROTOCOL TO ASSESS SEDIMENT RELATED BIOLOGICAL IMPAIRMENTS

Tom Wilton, of the Water Monitoring and Assessment presented the following item.

The Department requests Commission approval of a contract in the amount of \$40,000 with Iowa State University for a protocol to assess sediment related biological impairments. The contract period is from January 15, 2006 – September 30, 2006.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to determine sources of biological impairments in Iowa's streams. The contract covers the first phase of a two year project to build a protocol to determine sediment impacts. The second phase of the project will focus on testing the efficacy of the protocol, but is not included in this contract.

Sediment storage and transport are natural functions of stream ecosystems. In highly altered streams like Iowa's, excessive levels of deposited and suspended sediment have serious effects on stream aquatic communities. Despite widespread concern, water resource managers lack assessment procedures and criteria for effective management of sediment problems. In response to this deficiency, this project will establish a protocol for assessing sediment related biological impairments in wadeable streams.

Task 1: Review and summarize scientific literature pertaining to sediment-biological relationships and response thresholds.

Task 2: Select three impaired stream segments where sediment is considered an important stressor to the biological community.

Task 3: Compile and analyze stream and watershed data using the stressor identification process.

Task 4: prepare a project summary report including conclusions and recommendations

Task 5: Complete a version of the sediment-biological impairment translator protocol.

Funding for this agreement is available from EPA grant funds. This contractor was chosen for their specialized expertise in collecting and analyzing stream sediment and biological assessment data.

Contract Budget

DESCRIPTION	PAYMENT AMOUNT
Salaries	
Principal Investigator	14,174
Graduate Student	13,125
Payroll Benefits	
Principal Investigator	3,770
Graduate Student	1,509
Travel	1,000
Supplies/Materials	6,422
Total Direct Costs	40,000
ISU Indirect Cost	0
Total Costs	40,000
Contributed Indirect Cost*	18,800

Total Project Cost	58,800
* Indirect costs are contributed by ISU per cooperative agreement	
1434-HQ-97-RU-01560	

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Francis Thicke. Motion carried unanimously.

Darrell Hanson abstained from voting due to a working relationship with Iowa State University.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Ed Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

KENNETH MOELLERS (HOWARD COUNTY) – ANIMAL FEEDING OPERATIONS

Randy Clark presented the following information:

Kenneth Moellers owns and operates a swine and cattle open feedlot operation at 11687 Yankee Avenue, Cresco, located in Howard County. The operation consists of: two open lots for approximately 800 sows with a settled open feedlot effluent basin; and an open lot for approximately 240 cows with a 200' X 200' concrete solids settling structure, four settled open feedlot effluent basins and a grass filter strip.

Mr. Moellers also owns and operates a swine open feedlot operation at 24343 110th Street, Cresco. This operations consists of two open lots: south lot has approximately 500 hogs with a 40' X 80' solids settling structure and a two-stage settled open feedlot effluent basin; the north lot has 800 sows with a solids settling structure and a 150' X 100' settled open feedlot effluent basin.

110th Street Operation

Field Office 1 investigated two complaints of manure runoff from the 110th street operation on August 10th. They observed overflow from the settled open feedlot basin. The flow path did include dead vegetation. Mr. Moellers said that it had been overflowing for a couple of weeks. The manure flowed down into the road ditch and then into an unnamed Chialik Creek tributary which flows under the 110th street bridge. Manure solids were observed in the road ditch and unnamed tributary. Foam and strong odor were observed in the unnamed tributary. Lab samples collected from the road ditch near the 110th street bridge and the unnamed tributary did reveal ammonia nitrogen of 750 mg/L and 720 mg/L. Mr. Moellers reported that he had constructed a berm across the unnamed tributary on his property approximately ¼ mile south of the 110th street bridge to prevent the manure from reaching Chialk Creek.

On August 11th, FO1 staff returned to the 110th street operation and observed that manure was still flowing from settled open feedlot effluent basin. Intermittent rain had occurred during the morning hours and continued during the investigation. Flow in the unnamed tributary was brown in color and emitted a manure odor. Mr. Moellers had constructed a berm the previous day and FO 1 staff instructed him to maintain the berm until the manure flow is stopped and the manure cleaned from the road ditch.

A fish kill investigation of Chialk Creek was conducted by Department Fisheries Bureau staff on August 11th. No fish, dead or alive were observed. Also, no invertebrates could be found attached to rocks and gravel in the bottom of the stream. It's very unusual that no invertebrates found.

On September 26, FO1 staff investigated two complaints of manure runoff from the 110th Street operation. The lot's settled open feedlot effluent basin was overflowing. Manure solids and a strong manure odor were observed in the unnamed tributary at the 110th street bridge. Lab analysis of a sample collected revealed an ammonia nitrogen concentration of 600 mg/L.

Mr. Moellers stated that he would pump and land apply manure from the south lots settled open feedlot effluent basin within one hour. He also expressed his intention to remove the manure from the road ditch and unnamed tributary yet that fall.

Yankee Ave Operation

While investigating the 110th operation on August 10, FO1 staff also visited the Yankee Ave operation. A large diameter black PVC drainage pipe was discharging a brown foamy liquid with strong manure odor into the Yankee Ave road ditch approx. 200 feet east of the settled open feedlot effluent basin. Lab analysis of a sample collected from this discharge revealed an ammonia level of 310 mg/L.

Mr. Moellers stated on August 10, that the discharge from the black PVC drainage pipe was from "erosion control structure seepage" and that the settled open feedlot effluent basin did not contain a drainage tile line, FO1 staff directed Mr. Moellers to immediately stop the discharge.

On August 11th, FO1 staff again observed discharge from the black PVC drainage pipe and a field test indicated the discharge contained ammonia nitrogen.

On September 26th, FO1 staff conducted a field test on the flow from the black PVC drainage pipe and ammonia nitrogen was not detected. However, some non-flowing pools of liquid in front of the settled open feedlot effluent basin did show the presence of ammonia nitrogen. Mr. Moeller opined that these pools of liquid were vestiges of the previous violation.

We have calculated over thirteen violations, way over the penalty amount that we would be able to assess administratively.

Mr. Moellers will probably tell you to delay the referral because he is working on putting preventive measures in place, but you need to realize that these are significant violations and we're asking for referral because of what has happened.

Mr. Moellers said that he is not here today to justify any failures. We would like to be 100% in cooperation. The last couple of years we have made progress with putting in improvements. We would be open to the DNR monitoring our progress and visiting our site as many times that they see fit. We have put up 34 acres of waterways and filter stripes on our land. We have landscaped at our expense. Approximately, 900 -1000 feet of six foot wall has been constructed to stop feed lot run-off and to bring it into an area that would be controlled. I have heard that erosion itself can diminish the amount of water life in the stream. We do no fall tillage on these acres. People before me had a lawsuit against the city, which was lost, in controlling the water off the streets of Cresco. When we get a heavy rain we have a flash flood, that can also affect wildlife and fish in the stream. We have had no cooperation from the city. You will find garbage at the inlet of those stream, every time it rains you get a flashflood. I'm not trying to blame this on them but that should be considered.

The 110th Street property was purchased back in 1998, at that time the people that had it before us had the same open feedlot. I'm not trying to justify anything but manure has been in this ditch for the twenty years that I've lived there. Is it acceptable? No, I don't. The tributary that they are referring to is not even a complete waterway. There is a hayfield between there and where you see the Chialk stream. It's not even a completely constructed manmade waterway. Everything underway to be in 100% compliance this year. I would invite the DNR out to visit or I can send pictures to the DNR of improvements that have been. I would ask that we get ten months to get this completed.

Randy Clark said that the tributary does have definite bed and banks, at least in portions of the stream, so that it would meet the definition of a "water source."

Amber Sauser from DNR Field Office #3 said that it does have a definite channel way, that enters the Chialk stream.

<i>Motion was made by Donna Buell to refer Kenneth Moellers to the Attorney General. Seconded by Jerry Peckumn. Motion carried unanimously.</i>

REFERRED

CHARLES F. DEERING JR., (POSTVILLE) – ANIMAL FEEDING OPERATIONS

Kelli Book presented the following information.

Charles Deering Jr. owns and operates an animal confinement feeding operation in Postville, Iowa. The operation has 1,000 nursery pigs and 2,000 grow to finish pigs. It has a total animal unit capacity of 900. Manure is stored in both a deep pit below building basin as well as an open topped concrete basin.

On August 2, 2005, DNR FO1 received a phone call reporting a fish kill in Roberts Creek. FO1 staff responded to the report. They met at the bridge over Roberts Creek located along 130th street. At this location dead fish were observed. Field tests were performed and determined there were elevated levels of ammonia nitrogen and relatively low levels of dissolved oxygen in the creek. The water appeared to be clear and there was no discernable odor. There were also dead fish at the 120th street bridge and the Gunder Road Bridge. Minimal NH3-N levels and high dissolved oxygen levels were detected.

During the afternoon of August 2, FO1 staff informed Mr. Deering the purpose of their visit. Mr. Deering stated he thought he was probably the cause of the fish kill. He stated that his uncovered formed manure storage pit had become full and his hired man had pulled the plug on one of the confinement buildings that discharges into this storage pit earlier in the day. Mr. Deering also said the same things happened sometime during the previous week as well. Mr. Deering took the DNR inspectors to the pit where they observed manure flowing downhill through the grass from the pit into Roberts Creek. The creek was dark gray in color and had a distinct manure odor. The creek had manure solids in it and a filamentous growth at the bottom, indicating nutrients had been entering the creek for some time. The growth indicated there had been periodic discharges of manure into the creek prior to the current discharge.

Mr. Deering constructed an earthen beam to prevent any additional manure from flowing into the creek. The flow of manure ceased upon the construction of the earthen beam.

The DNR's investigation determined that Mr. Deering owed over \$5,000.00 in fish restitution. We have received money for the fish. Mr. Deering may indicate that he received a letter from the Department in August stating that if he paid the fish restitution money that there would be no further enforcement. It was sent by mistake. The wrong template was used. Staff was unaware that the investigation was not complete. A letter was sent in replacement stating that there may be further enforcement after the investigation is completed. The DNR Central Office also called Mr. Deering to clarify the situation.

The first letter was sent August 11th, the payment was received on August 17th. He hadn't received the second letter at the time of payment.

Mr. Deering said that everything Kelli Book stated is true. I won't argue that. The first violation was an accident and an oversight on my part. The farm is run by my dad and I and at that time ½ of the manure needed to be hauled off the farm. The pit that runs over is not large enough to hold a whole year's worth of manure, which I convinced my dad that it needs to happen so we don't have to worry about getting rid of manure in the middle of summer. There were many contributing factors at the time of the spill. My dad has Parkinson's, a storm went through which blew two roofs off of my buildings, my daughter was hurt in a four wheeler accident and my other daughter hurt her shoulder playing softball. We have had no other prior violations.

Doug Hawker said that when they met Mr. Deering, he was at his confinement buildings to the west. If he hadn't been cooperative, we may not have known about the pit.

Darrell Hanson asked how long it had been before Mr. Deering discovered the problem and the DNR folks show up.

Mr. Deering said about 4 to 5 hours. It was seven o'clock in the morning when I took the tractor down to the creek and found the yellowed grass, which it doesn't take much to change grass when it's 90 degrees outside.

Darrell Hanson said that he is starting to have concerns in cases where individuals are very cooperative. This looks like a case where if Mr. Deering hadn't said that something bad had happened, we may not have found out what was going on. We don't want to have a situation where if we find out that you've had a spill, we will refer you but if you voluntarily tell us that you've had a spill, we will refer you too. That just sends the message that you shouldn't say anything.

Doug Hawker said that the creek had a fungus like growth which indicated that there had been a prior discharge.

Kelli Book passed out a map of the area showing what areas were tested and what was found.

Doug Hawker said that there is a wider and shallower spot where an element of growth was found. It did not extend a great deal downstream.

Mary Gail Scott asked what measures Mr. Deering has taken to prevent this from happening again.

Mr. Deering said that they emptied the pit once warm and added another L-shaped pit. My employee of 13 years unplugged the plug when I was out for a couple days taking care of personal business.

Darrell Hanson said that penalties over \$10,000 for an individual who was cooperative in telling us what happened and then to refer to the Attorney General does not seem right.

Donna Buell said that Mr. Deering is in violation and that there is no line of reasoning to overcome that conclusion.

Francis Thicke said that the dead grass had to be dead longer than four hours.

Doug Hawker, DNR Field Office Staff said that manure had spread out as it went down to the stream, which yellowed in some areas. I also noticed that Mr. Deering had spread herbicide along the fence line, which killed some grass as well. There is some indication that it may have happened a week earlier because I'm not sure that grass could have died in four hours.

Kelli Book said that when the neighbor called in the compliant, he said that he had noticed the dead fish the night before. When the Field Office staff went to the site, Mr. Deering did say that this same thing may have happened a week before. If this happened a week prior, we did not receive a call.

Jerry Peckumn asked about the slimy film in the water. Is that indication of previous spills?

Doug Hawker said that he would assume so. I've seen large amount of manure in creeks and streams and it takes days for it to travel downstream a ways. My feelings are that there was an earlier situation.

Motion was made by David Petty to defer referral until the DNR staff and Mr. Deering to communicate back and forth before a final decision is made. Seconded by Mary Gail Scott.

Mary Gail Scott said that it's hard to refer Mr. Deering when he immediately paid his fish restitution monies thinking that this would prevent further enforcement action based on the letter sent by the DNR.

Donna Buell said that she will vote no because nothing else really matters. The DNR documented violations and the violations exceed \$10,000, then we are done with the discussion. The AG's office will take action from there. I think we need to take care of this today.

Roll call vote went as follows: Mary Gail Scott – aye; Darrell Hanson – aye; Donna Buell – nay; Francis Thicke - nay; David Petty – aye; Jerry Peckumn – aye; Sue Morrow – nay. Motion passed.

REFERRAL DEFERRED

SOLID WASTE ALTERNATIVES PROGRAM – CONTRACT AMENDMENT

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

The Department is seeking approval to exercise the rollover provision in the existing contract with the Product Stewardship Institute for the purpose of continuing facilitation the national dialogue and coordinating several projects addressing the growing and constant problem of leftover paint. The contract amendment will extend the contract for an additional year for an additional \$25,000.

Background

Disposal of unwanted paint is a large burden for local governments. In fiscal year 2005 Iowa's Regional Collection Centers disposed of 262,000 pounds of oil based paint through a hazardous waste contractor. This represented 43% of the total hazardous waste collected. The Regional Collection Centers also managed 647,300 pounds of latex paint. Although latex is not a hazardous waste, it cannot be landfilled in liquid form.

Beginning in December of 2003, the Product Stewardship Institute (PSI) has facilitated a national dialogue aimed at reducing the generation of leftover paint, while increasing reuse and recycling opportunities. With the support of [dialogue participants](#) from over 50 companies, industry associations, and government agencies, including the Department, these discussions resulted in a [Memorandum of Understanding \(MOU\)](#). The MOU is a bold agreement among partners with varying views on how to manage leftover paint in a way that is both cost effective and protective of the environment. The MOU outlines work on 11 projects that that will become the basis for developing a nationally coordinated paint management system.

During the past year PSI has facilitated work on the projects outlined in the MOU. Of the original 11 projects one has been completed, two are near completion and 6 others in process. PSI has also facilitated steering committee meetings and a full dialogue meeting. This contract amendment will enable PSI to continue the dialogue facilitation and oversee the completion of the projects.

Next Steps

Attachment A provides a brief description of the 11 projects contained in the MOU signed by the national dialogue participants. Together these projects total \$1.2 million dollars needed to develop a national paint management system.

The contract presented for approval outlines the Department's role in this national program and establishes deliverables that will provide necessary information for the Department to establish more effective local, statewide and Midwest regional programs. Specifically the contract addresses and provides funding assistance for the following:

Duties of the Contractor:

The Contractor will provide the following services:

- Conduct quarterly Steering Committee meetings

- Conduct semiannual full national dialogue meetings
- Provide oversight and coordination for the projects outlined in Attachment A
- Coordinate workgroup conference calls.
- Provide regular updates to national dialogue members

At this time, the Department is requesting Commission approval to amend the contract with the Product Stewardship Institute to continue facilitation of the national dialogue and coordination of 11 projects specifically dealing with the reduction of leftover paint and the recycling/reuse of leftover.

Motion was made by Donna Buell to approve the SWAP contract as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

The Department received 13 proposals, requesting \$2.4 million in financial assistance, for consideration during the January 2006 round of funding. Five (5) projects were selected for funding. If approved they will receive \$582,861 in a combination of forgivable loans, zero interest loans and three-percent (3%) loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jennifer Reutzel & Tom Anderson), Iowa Society of Solid Waste Operations (Don Vogt), Iowa Recycling Association (Gary Brinkmann), and the Iowa Waste Exchange (Sarah Craft).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	3	\$533,111	\$65,611
Private For Profit	1	\$25,000	\$25,000
Private Not For Profit	1	\$24,750	\$24,750

Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	4	\$557,861	\$90,361
Market Development	1	\$25,000	\$25,000
Education	0	\$0	\$0
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	4	\$95,361	\$95,361
Forgivable and 0% loan only	0	\$0	\$0
Forgivable, 0%, and 3% interest loan	1	\$487,500	\$20,000
0% interest loan only	0	\$0	\$0
3% interest loan only	0	\$0	\$0

Motion was made by Donna Buell to approve the SWAP recommendations as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – IOWA ASSOCIATION OF WATER AGENCIES, DES MOINES WATER WORKS, CITY OF CEDAR RAPIDS WATER DIVISION, CITY OF IOWA CITY WATER DEPT., AND RATHBUN REGIONAL WATER ASSOC.- SOURCE WATER PROTECTION

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

The Department requests Commission approval of the contract outlined below:

\$ 328,000	Iowa Association of Water Agencies, Des Moines Water Works, City of Cedar Rapids Water Division, City of Iowa City Water Department, and Rathbun Regional Water Association	Source Water Improvement and Protection Planning Partnership
	Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) State Program Management Set-Aside and Water Quality protection fund (water system fees and Environment First funds).	
	<p>The purpose of this contract is to</p> <p>[1] develop and demonstrate a methodology that can be used by drinking water utilities in Iowa which will better enable them to identify, plan, and carry out their role in source water improvement and protection, and</p> <p>[2] complete the source water protection plans for the four public water supply signatories.</p> <p>These contractors were chosen because source water protection plans and implementation strategies must be developed by the public water supply signatories for their own source water protection areas. The Iowa Association of Water Agencies will be responsible for administering and managing the joint or co-operative undertaking of this contract.</p>	

Motion was made by Donna Buell to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – DES MOINES WATER WORKS - COLIFORM STUDY IN DES MOINES RIVER AND TRIBUTARIES

Wayne Gieselman, Division Administration of the Environmental Services Division presented the following item.

The Department requests Commission approval of the contract outlined below:

\$ 175,000	Des Moines Water Works	Coliform Study in Des Moines River and Tributaries
	Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) State Program Management Set-Aside and Water Quality protection fund (water system fees and Environment First funds).	
	The purpose of this contract is to locate as precisely as possible the sources of Nitrate, Nitrite, and Escherichia coliform (E.Coli) contamination and associated parameters, within the Contractor's delineated source water protection area.	

	This contractor was chosen because it is the public water supply impacted by these contaminants and they will be working to complete their source water protection plan.
--	--

Motion was made by Donna Buell to approve the contract with DMWW as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CLEAN WATER STATE REVOLVING LOAN FUND – 2006 INTENDED USE PLAN FOURTH QUARTER UPDATE

Patricia Cale-Finnegan of the Water Quality Bureau presented the following item.

Environmental Protection Commission approval of the fourth quarter update to the Clean Water State Revolving Fund Intended Use Plan (IUPs) for FY 2006 is requested. The Commission approved the FY 2006 IUP in July 2005, the second quarter update in September 2005, and the third quarter update in December 2005.

The fourth quarter update includes an amended list of projects proposed to receive loan assistance. Four new wastewater construction projects, seven planning and design loans, and two General Non-Point Source projects are being added to the Clean Water SRF IUP.

Of note in this IUP is the first request for CWSRF funding for a storm water management project. The City of Storm Lake has requested funds to supplement a Water Improvement Review Board (WIRB) grant in order to complete an extensive storm water filtration project. As an MS4 city, Storm Lake must borrow through the Section 212 point source program. DNR and the Iowa Finance Authority (IFA) explored the possibility of a sponsored project for Storm Lake. Since this process was not feasible on advice of bond counsel, IFA plans to provide a reduced interest rate for the portions of the project identified as non-point source runoff control improvements.

A public meeting was held January 11, 2006. Oral comments were received from the Iowa Natural Heritage Foundation, in support of their project request, and from Ted Payseur, representing the Iowa Water Pollution Control Association. Mr. Payseur encouraged the department to work with the State Historic Preservation Officer (SHPO) to provide clearer definitions of the expectations for project documentation. The department is working with SHPO and the National Advisory Council on Historic Preservation on a Programmatic Agreement to better define roles and responsibilities. In addition, the department is holding a Kaizen event January 30-February 3 to explore how to streamline the SRF environmental and historical review process.

CLEAN WATER STATE REVOLVING FUND PROJECT TRACKING 1/06**PROJECTS READY FOR LOANS**

These projects are ready to initiate loan agreements. It is now up to the city to work with bond counsel to close a loan.

Project Name	Year Applied	Loan Request	Project Priority Points	Need Categories
Arcadia	2005	\$243,000	74	IVB
Asbury	2004	\$1,700,000	121	I
Clinton	2004	\$1,668,000	163	IIIA
Elliott	2005	\$316,000	71	IIIA
Humeston	2005	\$168,000	111	II, IIIA
Johnston	2006	\$2,100,000	Segmented	IVB
Ottumwa	2004	\$6,233,000	170	V
Ruthven	2005	\$619,000	152	I
Ryan	2005	\$581,000	73	II
Sibley	2005	\$294,000	89	IVB
Sioux City	2003	\$25,000,000	163	II, IVB
Strawberry Point	2004	\$1,963,000	131	II, IIIA
Victor	2005	\$675,000	92	II
West Liberty	2004	\$1,750,000	101	I
Westside	2004	\$555,000	109	I
Wheatland	2003	\$1,111,000	98	II
TOTAL		\$44,976,000		

PROJECTS IN PLANNING PHASE

These projects are in the planning stage. Project planning times vary depending on the complexity of the project.

Project Name	Year Applied	Loan Request	Project Priority Points	Need Categories
Anamosa (new this quarter)	2006	\$40,000	P&D	II
Bancroft	2006	\$1,247,000	96	IIIA
Brayton	2006	\$337,000	98	I, IIIA
Bridgewater (new this quarter)	2006	\$137,000	96	IIIA
Camanche	2005	\$467,000	168	I
Colesburg (new this quarter)	2006	\$140,000	P&D	II
Elkader	2006	\$101,000	P&D	IIIA
Elkader (new this quarter)	2006	\$1,645,000	171	IIIA
Ely	2006	\$2,495,000	98	II
Fairfax	2006	\$2,400,000	113	II
Fertile (new this quarter)	2006	\$340,000	91	IIIA
George	2005	\$1,120,000	93	I
Gowrie	2005	\$1,424,000	93	II
Hubbard	2005	\$840,000	88	I
Hudson	2005	\$606,000	181	II, IIIA
Iowa Falls (new this quarter)	2006	\$300,000	P&D	II

Jones County	2005	\$226,000	73	II
Lansing	2005	\$2,423,000	157	I
Lawler	2005	\$771,000	98	I
Maharishi Vedic City (new this quarter)	2006	\$135,000	P&D	II
McCausland	2005	\$828,000	201	I
Milton	2005	\$488,000	38	IIIA
Moulton	2006	\$102,000	111	IIIA
Mt. Auburn	2006	\$193,000	127	I
Olin	2005	\$1,028,000	73	
Oxford Junction	2005	\$533,000	117	II
Paullina (new this quarter)	2006	\$45,000	P&D	IIIB
Primghar	2005	\$620,000	93	II, IIIA
Royal	2005	\$301,000	63	I, IVB
Sheffield	2005	\$1,180,000	94	II
Sherrill	2005	\$554,000	118	I, IIIA
Storm Lake (new this quarter)	2006	\$159,000	P&D	VI
Storm Lake (new this quarter)	2006	\$570,000	176	VI
Toledo	2005	\$1,587,000	190	II, IVB
Troy Mills S.D.	2006	\$170,000	168	I
Villisca	2004	\$1,361,000	101	II
Warren Water Dist./Bevington	2006	\$94,000	P&D	I, IIIA
TOTAL		\$27,007,000		

CONTINGENCY PROJECTS

These projects have been placed on contingency status; they are not expected to move to a loan in FY 2006.

Project Name	Year Applied	Loan Request	Project Priority Points	Need Categories
Hamburg	2000	\$448,000	Segmented	I, IIIA
Lester	2005	\$374,000	101	I
Perry	2005	\$1,100,000	130	IVB
Pleasantville	2004	\$1,365,000	Segmented	II
TOTAL		\$3,287,000		

COMPLETED LOANS		Loan Amount	Signing Date
Asbury	2004	\$1,700,000	7/22/05
Cantril	2004	\$452,000	10/19/05
DeWitt	2003	\$1,599,000	12/12/05
La Motte	2003	\$319,000	10/24/05
Laurens	2005	\$972,000	9/9/05
Minden	2003	\$700,000	12/14/05
Mount Ayr	2005	\$2,825,000	10/19/05
Mount Pleasant	2006	\$5,110,000	11/29/05
New Vienna	2004	\$500,000	12/12/05
Rolfe	2005	\$635,000	9/21/05
Sutherland	2005	\$670,000	10/4/05
Williams	2003	\$135,000	9/9/05

TOTAL		\$15,617,000
--------------	--	---------------------

NON-POINT SOURCE PROGRAMS

Set-Aside Program	Project	Current Amount Requested	Amount Loaned to Date	Original Set-Aside Amount
On-Site Wastewater		\$810,000		\$900,000
Livestock Water Quality		\$3,000,000		\$3,000,000
Local Water Protection		\$3,190,000	\$1,810,000	\$5,000,000
General Non-Point Source	INHF Clear Lake		\$512,000	\$500,000
General Non-Point Source	Maritime Museum	\$195,000		\$195,000
General Non-Point Source (new this quarter)	INHF Spirit Lake	\$6,000,000		
General Non-Point Source (new this quarter)	City of Orleans	\$499,000		
TOTAL		\$13,694,000	\$2,322,000	\$9,095,000

**TOTAL FY 2006 CWSRF
INTENDED USE PLAN
(as of 1/27/06)**

\$106,903,000

PROPOSED GENERAL NON-POINT SOURCE PROJECTS
JANUARY 2006

1. Protection of Water and Biological Resources at Spirit Lake

Applicant: Iowa Natural Heritage Foundation

Project Description: The Iowa Natural Heritage Foundation (INHF) has agreed to purchase a 93-acre parcel of land adjacent to Spirit Lake which includes 3,500 feet of natural shoreline. The purpose of the project is to preserve natural shoreline features, including significant bulrush habitat and to restore wetlands and prairie habitats on the site. The land parcel is adjacent to Hale's Slough and will also provide a buffer between the wetland and developed areas.

When the land purchase is completed, the INHF will transfer the property to the Iowa Department of Natural Resources for public use.

Loan Amount: \$6,000,000

Special Considerations Requiring EPC Approval: Chapter 92.13(5) paragraph e. states that... "Costs for the purchase of land are not eligible costs unless specifically approved by the commission when adopting the IUP." EPC approval will allow DNR and the Iowa Finance Authority to work with the INHF to structure a financing package.

2. Orleans Storm Water Management

Applicant: City of Orleans

Project Description: The City of Orleans is located between Big Spirit Lake and East Okoboji Lake. The City is proposing to construct a wetland retention basin to capture and filter urban storm water runoff. The purpose of the project is to filter pollutants, including excess nutrients, organic compounds, trace metals, sediments, and other chemicals, from storm water before it enters the lakes. The project will also reduce flooding and create natural habitat through the wetland structure.

Loan Amount: \$499,000

**Clean water state revolving fund
SOURCES AND PROPOSED USES
JANUARY 2006**

SOURCES:

Requested for Loans	\$85,677,000
Available for Additional Loans	\$1,397,000
TOTAL	\$87,074,000

USES:

Point Source Construction Loan Requests	\$70,969,000
Point Source Planning & Design Loan Requests	\$1,014,000
Non-point Source Program Assistance	\$13,694,000
Additional Loan Requests	\$1,397,000
TOTAL	\$87,074,000

Motion was made by Francis Thicke to approve the SRF – IUP 4th quarter update. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTERS 40, 44, 90, 91, 92, 93 – REVISIONS TO STATE REVOLVING FUND RULES

Patti Cale-Finnegan, SRF Coordinator in the Water Quality Bureau presented the following item.

The Commission is requested to approve the attached Final Rule, which amends 567 -- Chapters 40, 90, and 9, and rescinds Chapters 44, 92, and 93, adopting new chapters in their places. The Commission approved the Notice of Intended Action for this rulemaking in November 2005. The primary purposes of the rule changes are to transfer responsibility for financial analysis and loan processing to the Iowa Finance Authority (IFA) and to update program rules to reflect new, streamlined processes. Department staff coordinated with IFA on the creation of 265 – chapter 26 for the administration of the State Revolving Fund.

A public hearing was held on January 11, 2006 at the DNR Water Supply office at 401 SW 7th Street. No oral comments were received at the hearing. Two written comments were received and a responsiveness summary is attached outlining the resulting changes made to the final rules.

RESPONSIVENESS SUMMARY
Chapters 40, 44, 90, 91, 92, 93 – Revisions to State Revolving Fund Rules

The proposed rule changes were published in the Administrative Bulletin on December 21, 2005. The department sent to SRF stakeholder organizations a notice of the opportunity for public comment through attendance at the public hearing or through submission of written comments. A public hearing was held on January 11, 2006 at the DNR Water Supply office at 401 SW 7th Street. No oral comments were received at the hearing. Two written comments were received. This responsiveness summary outlines the comments and the resulting changes made to the final rules.

Comment	Reference	Department Response
1. CNMP Requirement The requirement in the Livestock Water Quality Facilities Program that a producer have or complete a Comprehensive Nutrient Management Plan (CNMP) is problematic and burdensome. Instead, the requirement should be changed to a manure management plan (MMP) with a phosphorus index. (Iowa Agricultural Development Authority)	93.5(5)	The department agrees that the requirement for a CNMP should be changed to a MMP approved by the department. When the program rules were originally written, MMPs did not generally include a phosphorus index. Now that is a standard component of an approvable MMP.
2. Eligibility Date The current Livestock Water Quality Facilities Program rules define producers whose operations were built before December 31, 2001 as ineligible. This date will become more and more restrictive to producers who desire to improve their facilities. (Iowa Agricultural Development Authority)	93.5(7)	The department agrees that the eligibility date should be removed, allowing producers with facilities constructed since 2001 to take advantage of low-interest loans to upgrade their operations to protect water quality. The rules still do not allow the funds to be used to construct new animal feeding operations, but only to upgrade existing facilities.
3. Planning and Design Loans The proposed language in chapters 40 and 44 (Drinking Water SRF) and 90 and 92 (Clean Water SRF) did not clearly allow for the use of planning and design loans. (Iowa Finance Authority)	40.2, 44.7(4), 44.8(2), 90.2, 92.6(2), 92.7(1)	The department agrees that the rule language should be clarified to allow for planning and design loans. These loans, because they are placed on the intended use plan before engineering reports or facility plans are received, follow a slightly different process for approval than construction loans.

Comment	Reference	Department Response
4. Water Conservation Plan Requirement This requirement should be omitted. (Iowa Finance Authority)	44.6(2)	The department disagrees that the language requiring water conservation plans should be omitted. This is an Environmental Protection Agency requirement.
5. "Loan Agreement" Definition Omit the definitions of "loan agreement" in DWSRF and CWSRF rules. (Iowa Finance Authority)	40.2, 90.2	The department agrees that the definition of loan agreement in the DWSRF rules should be omitted. The department disagrees that the definition in CWSRF rules should be omitted. Other references to loan agreements have been removed since loan responsibilities have been transferred to Iowa Finance Authority rules. However, in this context, the definition refers to a loan agreement for the On-Site Wastewater Systems Assistance Program. This program is currently operated through the services of a financial agent which transfers funds between the SRF and participating lenders.

Comments were received from:

Fred Lundt, Iowa Agricultural Development Authority
Tracy Scebold, Iowa Finance Authority

Motion was made by David Petty to approve the final rule for SRF as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 22 (AIR CONSTRUCTION PERMITTING EXEMPTIONS)

Jim McGraw, Environmental Program Supervisor in the Program Development Section of the Air Quality Bureau presented the following item.

The Commission will be asked to approve amendments to Chapter 22 "Controlling Pollution" of the 567 Iowa Administrative Code. The purpose of these amendments is to list additional equipment and processes that, due to do their low emissions of regulated air pollutants, are not required to obtain construction permits.

These amendments would add six additional exemptions to the existing exemption list. The exemptions include:

- Research & development (R&D) exemption and definition
- Storage tanks
- Equipment using hot melt adhesives
- Product labeling
- Regional collection centers
- Cold solvent cleaning machines

Technical justifications were prepared by the workgroup members to support the validity of exempting each of these equipment and processes from the requirement to obtain a construction permit. As a result of the technical reviews, additional safeguards were built into some of the exemptions to further protect human health and the environment. The technical justification document can be viewed at www.iowacleanair.com.

The amendments were developed by a workgroup consisting of the department, representatives from Iowa industrial facilities, the Iowa Department of Economic Development, the University of Northern Iowa Air Emissions Assistance Program, and Region VII of the U.S. Environmental Protection Agency (EPA).

A public hearing was held at the Air Quality Bureau at 1:00 p.m. on December 12, 2005. No comments were received at the public hearing. One written comment was received from U.S. EPA before the public comment period closed on December 14, 2005. The department made only minor corrections to the proposed rules presented in the Notice of Intended Action as a result of the comments received.

Motion was made by Francis Thicke to approve the final rule – Chapter 22 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 64 – WASTEWATER CONSTRUCTION AND OPERATION PERMITS

The notice of intended action for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for decision. The amendment is intended to renew NPDES General Permit No. 5. This general permit authorizes wastewater discharges, excluding separate storm water discharges, from facilities primarily engaged in mining, quarrying, and further processing of dimension stone, crushed and broken limestone, and construction sand and gravel. The proposed rule would renew the general permit for another five years. NPDES General Permit No. 5 will expire July 17, 2006. The amendment will modify section 64.15(5) to include a new effective date of the general permit.

General permits are appropriate for operations that are similar in nature as to the pollutants involved and the treatment needed. Wastewater discharges from mining and quarrying operations contain similar types and amounts of pollutants. The re-issuance of this general permit will benefit potential and existing permittees by reducing the amount of information required in a permit application, eliminating the public notice requirement, and reducing the time needed to obtain a permit. The department will benefit from re-issuance of this general permit because of the reduced staff time needed to process the permit application.

Wayne Gieselman said that at last month's meeting there were a couple of Limestone producers stand up and express some concerns with this permit. We met with the Limestone Industry and the Environmental community. We talked about discharges from limestone quarries. We will be trying to make this permit a bit more global, but right now it covers about 50% of those operations. The bottom line is that we are trying to come up with a more acceptable solution.

POSTPONED

NOTICE OF INTENDED ACTION – CHAPTERS 50-54 – WATER USE AND WATER ALLOCATION RULES

Monica Wunk of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a Notice of Intended Action that would initiate rulemaking to amend the following chapters of the Iowa Administrative Code (IAC):

Chapter 50: Scope of Division—Definitions—Forms—Rules of Practice

Chapter 51: Water Permit or Registration—When Required

Chapter 52: Criteria and Conditions for Authorizing Withdrawal, Diversion and Storage of Water

Chapter 53: Protected Water Sources — Purposes — Designation Procedures—
Information in Withdrawal Applications — Limitations —List of Protected Sources

Chapter 54: Criteria and Conditions for Permit Restrictions or Compensation by
Permitted Users to Nonregulated Users due to Well Interference.

These chapters pertain to the water use/water allocation program, which is a permit program that was administered by the Natural Resources Council until its merger in 1983 with the agency now called the Department of Natural Resources. Few changes have been made to the program or its rules since that time. Administratively, the rules are out-dated and changes are needed. The administrative updates include eliminating expired dates, updating references, eliminating obsolete sections, and clarifying existing language in the rules. Other changes to these chapters are proposed as follows:

- clarifying existing definitions, including correcting the definition of public water system usage to consumptive use (Ch. 50);
- adopting definitions for specialty and general crops (Ch. 50);
- updating forms and clarifying usage of the forms in the rules (Ch. 50);

- correcting the references to Iowa's Geological Survey, certified well contractor, and licensed professional engineer (all chapters)
- eliminating the requirement for the IDNR's Flood Plain Section to review a surface runoff plan at a rock quarry (Ch. 50);
- incorporating new legislation that requires water use permits for community public water supplies to be posted in the paper of largest circulation in the county as well as the paper nearest the locale of the permittee (to comply with new 2005 Iowa Code requirement) (Ch. 50);
- clarifying the water use permitting of cooling/heating systems using groundwater (Ch. 51);
- exempting public water system consumptive usage from the protected flow restrictions (Ch. 52);
- removing the protected streamflow at six listed "protected water use" locations (Ch. 52); and
- modifying the emergency conservation rules to be consistent with other sections of the administrative code (Ch. 52).

The proposed rule amendments were presented to a water use stakeholder advisory group during one large-group meeting. Three small-group meetings were held to further discuss the proposed rule changes. The stakeholder advisory group was comprised of individuals representing a wide variety of stakeholders, including public drinking water organizations, energy production, cities, environmental interests, well drillers, aggregate (sand & gravel) producers, conservation interests, agribusiness (animal and crop production), irrigators, turfgrass production, golf courses, consulting engineers, federal geological service, and other state agencies. The initial large-group meeting notice was posted on the State of Iowa public notice website, and the meeting presentations and handouts (including draft rules) were posted on the IDNR Water Use website.

One public hearing is anticipated at the IDNR SW 7th St. office in Des Moines.

Motion was made by Donna Buell to approve the NOIA – Ch 50-54 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 135 UNIFORM ENVIRONMENTAL COVENANTS POLICY AND PROCEDURES

David Wornson of the Legal Services Bureau presented the following item.

The Department proposes to amend sections of Commission rules applicable to the use of "institutional controls" at leaking underground storage tank (LUST) sites (ch. 567-135) and sites enrolled in the land recycling program (LRP) (ch. 137) in order to implement provisions of the

"Uniform Environmental Covenants Act" (2005 Iowa Acts, S.F. 375) enacted in 2005. The notice also proposes a new chapter entitled "Environmental Covenants" which establishes the policy and procedures for implementing the use of environmental covenants in accordance with S.F. 375.

S.F. 375 created a new real estate instrument called an "environmental covenant" which the Department is authorized to use as an "institutional control" to impose and enforce certain "activity and use limitations" on contaminated property in order to manage the future risk of unacceptable exposure to contaminants.

Motion was made by Mary Gail Scott to approve the NOIA – Ch 135 as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

**PROPOSED CONTESTED CASE DECISIONS - LINN GROVE HATCHERY, INC.;
MIKE ELSBERND; AND KEITH KRUSE**

Ed Tormey, Chief of the Legal Services Bureau presented the following item.

LINN GROVE HATCHERY, INC.

On September 13, 2004, the department issued Administrative Order No. 2004-AFO-100 to Linn Grove Hatchery, Inc. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 29, 2005.

A Proposed Decision was issued on December 28, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-100, including the assessment of an administrative penalty in the amount of \$3,000.00.

MIKE ELSBERND

On October 4, 2004, the department issued Administrative Order No. 2004-AFO-106 to Mike Elsbernd. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on December 6, 2005.

A Proposed Decision was issued on December 28, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-106, including the assessment of an administrative penalty in the amount of \$3,000.00.

KEITH KRUSE

On October 29, 2004, the department issued Administrative Order No. 2004-AFO-115 to Keith Kruse. The order required Mr. Kruse to pay a penalty of \$1,500.00 for failure to timely submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 29, 2005.

A Proposed Decision was issued on December 29, 2005. The Proposed Decision affirmed in part, and modified, in part, Administrative Order No. 2005-AFO-115. The department's \$1,500.00 penalty was reduced to \$1,000.00 based on the administrative law judge's interpretation of the language of the administrative order itself (i.e., \$500 mitigation). A copy of the order is attached.

There have been no appeals of these Proposed Decisions. In the absence of an appeal the Commission may decide on its own motion to review these Proposed Decisions. If there is no review of these Proposed Decisions, they automatically become final decisions of the agency.

NO ACTION TAKEN

PROPOSED RULE– CHAPTERS 68 AND 69

Brent Parker, Environmental Engineer Senior in the Environmental Services Division presented the following item.

The Environmental Protection Commission is asked to consider changes to IAC Chapters 68 Commercial Septic Tank Cleaners. In the 2005 legislative session HF 834 was passed and signed into law. This law required the following changes to the rules related to pumping and cleaning of rural septic tanks and the disposal of the septage:

- Requires contractors to submit an annual waste disposal management plan.
- Requires an inspection of the sites used for disposal of septage
- Increases the licensing fees and allows the Department to contract for inspection services with county environmental specialists
- Increases fines for violation of these rules
- Establishes a dedicated fund for the deposit of septic tank pumping contractor fees

The subrule 69.17(1) which repeats sections of Chapter 68 will be deleted.

The Department had not traditionally put much priority on the enforcement of septic pumper rules. Complaints were rare. A couple of significant complaints in the Polk County area brought attention to the fact that resources were not available to oversee this activity. The

legislature therefore passed HF 834 to increase the requirement for oversight and authorize funds for the necessary resources.

The Department convened a stakeholders committee in late summer of 2005 to review the rules and suggest changes. The committee was made up of licensed septic pumpers and sanitarians from several areas of the state. Representatives were chosen from urban as well and rural counties. It was decided the chapter is to be rescinded and reissued because of the large number of changes.

Major changes proposed for Chapter 68 include:

- Some new or modified definitions
- The requirement for submission of an annual waste management plan
- Increase in fees from \$25 per year to an average of \$500 per year based primarily upon volume of waste pumped
- Inspection requirements for pump trucks and land disposal sites and the authority to contract with counties to do the inspections
- Requirement that portable toilet waste be only taken to a public wastewater treatment plant
- Clarification of land spreading requirements
- Increases in the fines assessed for violation of the rules from \$25 to \$250

These chapters and their amendments were reviewed by DNR Water Supply Section engineers, licensed septic tank pumping contractors, and county sanitarians.

Any interested person may make written suggestions or comments on this proposed amendment prior to May 17, 2006. Such written materials should be directed to Brent Parker, Wastewater Operations Section, Department of Natural Resources, 401 SW 7th Street, Suite M., Des Moines, Iowa 50319-4611; fax (515)725-0348. Persons who wish to convey their views orally should contact the Wastewater Operations Section at (515)725-0337 or at the Water Supply Operations Office, 401 SW 7th St., Des Moines, IA 50309-4611.

Interested persons are also invited to present oral or written comments at public hearings which will be held at the following locations:

Des Moines	May 3, 2006	1:00-4:00	IDNR, Water Supply Section, 401 SW 7 th St, Suite I, Conference Rooms, Des Moines, IA 50309
Mason City	May 4, 2006	10:00-12:00	TBD (To Be Determined), Mason City, IA 50401
Atlantic	May 9, 2006	1:00-3:00	TBD, Atlantic, IA 50022
Storm Lake	May 10, 2006	9:00-11:00	TBD, Storm Lake, IA 50588
Manchester	May 11, 2002	10:00-12:00	TBD, Manchester, IA 52057
Washington	May 16, 2002	10:00-12:00	TBD, Washington, IA 52353

Any persons who intends to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

Copies of relevant rules may be obtained from Cecilia Nelson, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

INFORMATIONAL ONLY

PROPOSED RULE – CHAPTER 65 – TECHNICAL CORRECTION TO 65.17 MANURE MANAGEMENT PLAN CONTENT REQUIREMENTS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

Iowa Code 2003: Section 459.312, directs the department to develop rules that require manure application from a confinement feeding operation utilize the phosphorus index to determine application rates. Rules were developed and adopted to amend 567 Iowa Administrative Code 65.17, using Iowa Technical Note No. 25 – Iowa Phosphorus Index as a basis. The proposed amendment is a technical correction to 65.17(17) to assure the method used for selecting the soil type agrees with methods utilized by the USDA Natural Resources and Conservation Service.

Gene Tinker said that we have learned that there is a discrepancy in our rule and how NRCS currently selects the soil map unit. Our rules states that you select the most erosive soil map unit that is 10% or less. What we've found is that NRCS may take two soil map units that are both less than 10% but have the same slope class and then add those together. There is a difference in how we are implementing that.

Francis Thicke said that he wanted to know why the DNR doesn't use the Russell 2 method for the p-index.

Gene Tinker said that he will investigate that.

INFORMATIONAL ONLY

PROPOSED RULE: CHAPTERS 22 AND 23, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS

Christine Paulson, Environmental Specialist Senior of the Program Development Section presented the following item.

The attached Notice of Intended Action to amend Chapter 22 “Controlling Pollution,” and Chapter 23 “Emission Standards for Contaminants,” of the 567 Iowa Administrative Code is being presented to the Commission for information.

The primary purpose of the proposed rule changes is to adopt into the state air quality rules several federal regulations that were finalized over the last year. The proposed rule changes also include one clarification to the state air quality rules for construction permit exemptions.

At the March Commission meeting, the Department will request approval to publish a Notice of Intended Action on these proposed rule amendments.

This rulemaking provides the following updates, revisions, and additions:

- Item 1 amends Chapter 22 to clarify the construction permit exemption for laundry activities. This amendment will specify that exempted laundry activities include only washers and dryers located at a stationary source that are used to clean and dry on-site clothing, bedding, and other fabric items with water solutions of bleach or detergents.
- Item 2 also amends Chapter 22 to adopt EPA's new, preferred guideline air dispersion model, AERMOD. In the next few months, the Department will form a stakeholder workgroup to provide recommendations to the Department for updating its Air Dispersion Modeling Guidelines.
- Item 3 amends the Title V program definitions in Chapter 22 to add the federal definition of "area source." This term refers to nonmajor sources of hazardous air pollutants (HAPs).
- Item 4 amends the Title V program definitions to delete the chemical "methyl ethyl ketone" from the list of air pollutants. EPA recently removed this chemical from the list of HAPs.
- Item 5 amends Chapter 22 to better organize the rules that specify which sources are required to obtain Title V Operating Permits. The Department did not make any substantive changes to these requirements.
- Item 6 amends Chapter 22 to add clarity to the requirements for nonmajor (area) sources to obtain a Title V Operating Permit. The Department did not make any substantive changes to these requirements.
- Item 7 amends Chapter 22 to remove the provisions for Title V exempt sources that elect to apply for a Title V Operating Permit. This change reflects EPA's removal of these provisions from federal rules.

- Item 8 amends the Title V program rules to list sources that are now permanently exempt from the requirement to obtain a Title V Operating Permit. EPA recently finalized permanent exemptions for five categories of nonmajor (area) sources. These sources are: dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. In 2002, EPA permanently exempted nonmajor publicly owned treatment works. The Department is adding this source category to the list of exemptions. Additionally, these changes will make the list of source category exemptions more consistent with federal regulations.
- Item 9 amends Chapter 23 to adopt recent federal amendments to the new source performance standards (commonly known as NSPS). EPA amended the NSPS for steel plants to add alternative requirements for monitoring emissions from furnace exhausts.
- Item 10 amends Chapter 23 to adopt a new NSPS. EPA recently finalized the NSPS for Other Solid Waste Incineration (OSWI) units. This amendment adopts the standards for "new" OSWI. The Department is not aware of any facilities potentially subject to these standards.

EPA also finalized emission guidelines for "existing" OSWI. The Department is not proposing rules to adopt the emissions guidelines for existing OSWI at this time. The Department will first determine if there are any facilities that are potentially subject to the federal emission guidelines. If necessary, the Department will propose rules for existing OSWI at a later date.

- Item 11 amends Chapter 23 to adopt recent federal changes to the national emission standards for hazardous air pollutants for source categories (commonly known as NESHAPs). The substantive changes include the following:
 - Removal of methyl ethyl ketone from the list of hazardous air pollutants;
 - Exemption of certain area source categories from the requirement to obtain a Title V Operating Permit; and
 - Retention of the health-based compliance alternatives contained in final rules for Industrial, Commercial and Institutional Boilers and Process Heaters.
- Item 12 adopts federal changes to the NESHAP for hazardous waste combustors to add hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces to the list of subject sources.

INFORMATIONAL ONLY

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT

February, 2006

Proposal	Notice to Comision	Notice Publish	ARC	Rules Review Committ ee	Hearing	Comment Period	Final Summary to Comision	Rules Adopted	Rules Published	A R C	Rules Review Committ ee	Rule Effective
1. Ch 20, 22 – Air Construction Permitting Exemptions	10/17/05	11/09/05	4651B	12/13/05	12/12/05	12/14/05	2/20/06	2/20/06	*3/15/06		*4/04/06	*4/19/06
2. Ch. 20, 21 and 34 – Adoption of Federal Clean Air Interstate Rule (CAIR)	12/19/05	1/18/06	4823B	*2/07/06	*2/27/06	*2/21,22/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
3. Ch. 23, 25 and 34 – Adoption of Federal Clean Air Mercury Rule (CAMR)	12/19/05	*1/18/06		*2/07/06	*2/27/06	*2/21,22/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
4. Ch 40, 44, 90, 91, 92, 93 – Revisions to State Revolving Fund Rules	11/21/05	12/21/05	4770B	1/10/06	1/11/06	1/11/06	2/20/06	*2/20/06	*3/15/06		*4/04/06	*4/19/06
5. Ch. 50-54 – Water Use and Water Allocation Rules	2/20/06	*3/15/06		*4/04/06			*5/18/06	*5/18/06	*6/21/06		*7/04/06	*7/26/06
6. Ch. 61 – WQ Standards: Warm Weather Stream Use Designation Assessment Protocol	8/15/05	9/14/05	4504B	10/11/05	10/05, 10, 12, 14/05	10/28/05	1/17/06	1/17/06	*2/15/06		*3/14/06	*3/22/06
7. Ch. 61 – WQ Standards: Protected Flow, General Use Classification Changes and the Rebuttable Presumption Approach	8/15/05	9/14/05	4505B	10/11/05	10/05, 10, 12, 14/05	10/28/05	1/17/06	1/17/06	*2/15/06		*3/14/06	*3/22/06
8. Ch. 64 – Fee Collection for Wastewater Permits	10/17/05	11/09/05	4652B	12/13/05	11/29, 30/05 12/01/05	12/02/05	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
9. Ch. 64 – Wastewater Construction and Operation Permits	2/20/06	*3/15/06		*4/04/06			*5/18/06	*5/18/06	*6/21/06		*7/04/06	*7/26/05

10. Ch. 65 – Technical Corrections and Additions to Table 1 – Major Water Sources	10/17/05	11/09/05	4649B	12/13/05	12/01/05	12/01/05	1/17/06	1/17/06	*3/01/06		*4/04/06	*4/19/06
11. Ch. 65 – Open Feedlot Regulations	8/15/05	9/14/05	4506B	10/11/05	10/04, 05, 06, 07/05	10/14/05	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
12. Ch. 65 – Designated Wetlands	11/21/05	12/21/05	4771B	1/10/06	*1/19, 25, 26, 31/06	*2/01/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
13. Ch. 65 – Evaluation, Denial of or Condition of Construction Permits or Disapproval or Modification of MMPs for Confinement Feeding Operations	1/17/06	*2/15/06		*3/07/06			*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
14. Ch. 101 – Solid Waste Comprehensive Planning Requirements	10/17/05	11/09/05	4650B	12/13/05	12/02/06	12/02/06	1/17/06	1/17/06	*2/15/06		*3/14/06	*3/22/06
15. Ch. 105 – Organic Materials Composting Facilities	1/17/06	*2/15/06		*3/07/06			*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
16. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
17. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs; Ch. 134 – Certification of Groundwater Professionals	10/17/05	11/09/05	4653B	12/13/05	11/29, 30/05 12/02/05	12/02/05	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
18. Ch. 135 – Uniform Environmental Covenants Policy and Procedures	2/20/06	*3/15/06		*4/04/06			*5/18/06	*5/18/06	*6/21/06		*7/04/06	*7/26/06
19. Ch. 144 – Household Hazardous Materials	12/19/05	1/18/06	4824B	*2/07/06	*2/08/06	*2/08/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
20. Ch. 211 – Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators; Ch. 123 – Regional Collection Centers and Mobile Unit Collection and Consolidated Center	10/17/05	11/09/05	4648B	12/13/05	12/05/05	12/12/05	1/17/05	1/17/05	*2/15/06		*3/14/06	*3/22/06

Iowa Department of Natural Resources Environmental Services Division

During the period January 1, 2006, through January 31, 2006, 54 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	48 (52)	6 (2)	29 (29)	13 (21)	13 (17)	28 (27)	0 (2)	2 (2)	1 (0)	4 (4)
November	55 (68)	10 (14)	35 (33)	10 (20)	16 (21)	28 (34)	0 (1)	3 (2)	1 (0)	7 (10)
December	51 (58)	5 (8)	32 (34)	14 (16)	18 (19)	29 (29)	2 (3)	1 (2)	0 (0)	1 (5)
January	54 (58)	4 (6)	27 (36)	23 (16)	14 (20)	29 (28)	0 (1)	0 (1)	0 (1)	11 (7)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	208 (236)	25 (30)	123 (132)	60 (73)	61 (77)	114 (118)	2 (7)	6 (7)	2 (1)	23 (26)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
7	10	8	3	14	12

Iowa Department of Natural Resources Environmental Services Division

During the period January 1, 2006, through January 31, 2006, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	0 (0)	1 (2)

February 2006

Environmental Protection Commission Minutes

November	8 (9)	0 (2)	1 (4)	3 (1)	4 (2)	6 (6)	2 (2)	0 (0)	0 (1)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)	0 (0)
January	3 (0)	0 (0)	2 (0)	1 (0)	0 (0)	1 (0)	2 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	26 (26)	1 (2)	6 (12)	5 (7)	14 (5)	19 (21)	7 (4)	0 (0)	0 (1)	2 (3)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office This Period.

1	2	3	4	5	6
0	0	1	1	1	0

DATE: February 1, 2006

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Program Field Office Number	Alleged Violation	Action	Date
James Brown and Brian Stickney, Woodbury Co. (3)	Air Quality Open Burning	Consent Amendment \$2,500	1/03/06
Anamosa, City of	Wastewater Discharge Limits	Consent Order \$4,500	1/13/06
Spirit Lake, City of (3)	Drinking Compliance Schedule	Consent	1/16/06

			Water		Order	
Russell Knobbe Knobbe Bros. Mello Knobbe Carroll (4)	dba	Air Quality	Open Burning	Consent Amendment \$1,000	1/17/06	
Bob Harter Custom Pumping Services Dyersville (1)	dba Harter & Septic	Wastewater	Monitoring/Reporting; Operational Violations; Prohibited Discharge; Sludge Disposal; Water Quality Violations – General Criteria	Consent Order \$3,000	1/17/06	
Larry Krogman, Lyon Co. (3)		Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$3,000	1/17/06	
Maridale Farms dba Wirtjers Finisher Farm, Sac Co. (3)	LLC	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$3,000	1/17/06	
Homestead Farms, Sioux Co. (3)	Valley	Animal Feeding Operation	Construction Without Permit	Consent Order \$3,000	1/25/06	
Robert Plendl Bros. Trucking, Kingsley (3)	dba Plendl	Underground Tank	Site Assessment	Consent Order \$3,000	1/25/06	

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: February 1, 2006

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	Due Date
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02

Environmental Protection Commission Minutes

February 2006

M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	242	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	963	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	133	12-15-03
Robert L. Nelson (Orient)	UT	2,036	12-26-03
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	2,625	9-01-04
Ranch Supper Club (Swisher)	WS	2,100	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	4,316	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Clevering (Lyon Co.)	AFO	750	11-27-04

Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Dean Pedersen (Pocahontas Co.)	AFO	450	1-19-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	8,600	2-09-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000	3-07-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
##Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Dr. Ed Cook (Cherokee Co.)	AQ	2,000	8-11-05
* Country Terrace Mobile Home Park (Ames)	WW	2,350	2-01-06
##E & N Farms, Ltd. (Lyon Co.)	AFO	2,400	10-16-05
##Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,700	10-19-05
# Rick Renken (Plymouth Co.)	AFO	750	11-03-05
* Crest Country Inn (Iowa Co.) No. 2	WW	1,000	11-15-05
* Dennis Gailey (Moorland)	AQ/SW	3,700	12-01-05
# Sunray Pork, Ltd.; Tweedie Finisher Farm (Pocahontas Co.)	AFO	3,000	12-06-05
* Paul Shimp & S & V Fence Co. (Eldridge)	AQ	2,450	12-09-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
* Galen Drent (Boyden)	AFO	3,502	2-01-06
Iowa Oil Co.; HRV Petro; Genesis Two Holdings (Dubuque)	UT	1,000	2-16-06
##Gary R. Johnson (Allamakee Co.)	AFO	2,500	2-15-06
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,000	1-19-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
Iowa Regional Utilities Assoc.	WS/WW	10,000	1-19-06
* John Danker (Lee Co.)	AQ/SW	4,440	2-22-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1-21-06
##Greg Gerber (Lyon Co.)	AFO	1,375	2-21-06
# Galen and Sharon Drent (Sioux Co.)	AFO	4,000	1-21-06
# Dale Schumann (Buena Vista Co.)	AFO	4,000	1-29-06
##Paul Rehder (O'Brien Co.)	AFO	2,250	2-01-06
* Crestview Mobile Home Park (Ames)	WW	5,000	2-01-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,500	2-03-06
Fertilizer Equipment Specialists, Inc. (Garner)	AQ/SW	1,000	2-07-06
Casey's Marketing Co. (5 locations)	UT	18,101	2-16-06
Casey's General Stores, Inc. (Various Locations)	UT	15,000	2-16-06
Casey's General Stores, Inc. (4 Locations)	UT	4,500	2-16-06
Casey's Marketing Co. (Jefferson)	UT	2,399	2-16-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
* Curt Kline; Connie Kline (Dunlap)	AQ	3,500	3-01-06
* Hull, City of	WS/WW	5,000	5-31-06
##Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06

Environmental Protection Commission Minutes

February 2006

Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	----
Jack and Mary Hemmingson; Gold Key Motel (Hampton)	WS	5,215	----
Anamosa, City of	WW	4,500	2-17-06
Rob Harter; Harter Custom Pumping & Septic (Dyersville)	WW	3,000	2-17-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
# Larry Krogman (Lyon Co.)	AFO	3,000	----
# Maridale Farms, LLC dba Wirtjers Finisher Farm (Sac Co.)	AFO	3,000	----
# Homestead Valley Farms, Inc. (Sioux Co.)	AFO	3,000	2-25-06
	TOTAL	665,601	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
Mobile World LC (Camanche)	AQ/SW	10,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Jim Dos (Black Hawk Co.)	AFO	3,000
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
# Keith Kruse (Clay Co.)	AFO	1,500
	TOTAL	55,110

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Dallas County Care Facility (Adel)	WW	5,000
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods – Council Bluffs)	WW	10,000

# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Alton, City of	FP	5,000
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/W W	10,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Bill Schrock (Stockport)	SW/WW	2,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winnebago Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/W W	10,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	2,500
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000

MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000
# Randy Hauan (Winnebago Co.)	AFO	2,500
# Murl R. Hansen Farm Account, Inc. (Sioux Co.)	AFO	5,000
	TOTAL	456,327

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Springbrook, City of	WW	3,000
* Country Terrace Mobile Home Park (Ames)	WW	110
##E & N Farms, Ltd. (Lyon Co.)	AFO	200
##Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	2,150
* Olsen Fuel Supply, Inc. (Atlantic)	UT	2,500
* Galen Drent (Boyden)	AFO	166
# Patrick Jones (Dickinson Co.)	AFO	1,500
Wadena, City of	WW	3,000
# Ivan Kenney (Guthrie Co.)	AFO	3,000
##Greg Gerber (Lyon Co.)	AFO	250
Vernon Kinsinger (Washington Co)	SW	2,000
* Dennis Gailey (Moorland)	AQ/SW	900
* Galen Drent (Boyden)	AFO	166
* John Danker (Lee Co.)	AQ/SW	138
Executive Construction Co. (Linn Co.)	WW	6,000
Iowa Oil Co.; HRV Petro; Genesis Two Holdings (Dubuque)	UT	1,000
# Dave Borchers (Plymouth Co.)	AFO	1,500
##Paul Rehder (O'Brien Co.)	AFO	375
##Gary R. Johnson (Allamakee Co.)	AFO	500

# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Chad Arnold (Hamilton Co.)	AFO	2,000
Robert Plendl dba Plendl Bros. Trucking (Kingsley)	UT	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
Stuart Yoder	AQ/SW	3,500
Iowa State University Heating Plant (Ames)	WW	1,500
	TOTAL	47,555

The following penalty payments were collected by Revenue
During the month of January.

* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	250
Ranch Supper Club (Swisher)	WS	100
Mitchell Town Pump (Mitchell)	WS	420
Robert L. Nelson (Orient)	UT	117
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO	154
# Doug Sweeney (O'Brien Co.)	AFO	375
#*James Boller (Kalona)	AFO	215
	TOTAL	1,621

The following penalties were rescinded:

Robert Ward (Lee Co.)	WW	1,450
-----------------------	----	-------

Attorney General Referrals Report

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New Updated Status	or	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed		7/18/05 11/29/05
Boyer, William Boyer's Sand & Rock Hawarden (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed		7/18/05 12/07/05
CDI, LLC Forest City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred		4/28/05
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred		9/19/05
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed		7/18/05 11/29/05
Gettler, Dean Montgomery Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed		8/16/05 11/29/05
Ginger, Roger Everly (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed		5/15/05 12/07/05
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred		2/21/05
Kelly, Pat d/b/a Kelley Construction Woodbine (4)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed		5/16/05 12/07/05
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred		12/19/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing	to on	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05

				Motion to Dismiss	
				Ruling Denying Motion to Dismiss	
				Resistance to Motion to Intervene	
				Hearing on Motion to Intervene	
				Ruling Denying Motion to Intervene	
				Hearing on Defense Motions	
<hr/>					
Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05
<hr/>					
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary Judgment	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06 5/16/05 6/02/05 6/22/05

Trial Date
 State's Brief in
 Resistance to
 Motion
 for Partial
 Summary
 Judgment
 Hearing on
 Motion for Partial
 Summary
 Judgment
 Ruling Granting
 Partial Summary
 Judgment

Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05
--	-------------	-------------------	---------------------------------	--	---

Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	11/21/05
-----------------------------------	--------------------------------	---	---------------------------------	----------	----------

Plymouth Dairy Farms Plymouth Co. (3) UPDATED	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/05 1/10/06
Robertson, Ryan Jefferson Co. (6)	Wastewater	Stormwater Violations	Permit Referred to Attorney General	Referred Petition Filed	4/27/05 9/26/05
Roney, Jerry Huxley UPDATED	(5) Underground Tank	Site Assessment	Order	Referred Petition Filed	5/16/05 12/08/05
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06
Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Tempor ary Injunction Hearing Temporary Injunction	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05

Granted
Contempt
Hearing Date
Contempt
Hearing
Order Finding
Defendant in
Contempt
\$3,000 Fine

Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
SK Food & Fuel Davenport (6) UST 8606991/1511 Locust	Underground Tank	UST Deficiencies; Check	System Site	Referred to Attorney General	Referred Petition Filed 7/18/05 12/07/05
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Trial Date Ruling Dismissing Damage Claims	12/06/04 1/10/05 3/07/05 4/25/06 5/17/05
Williams, Dean Stuart UPDATED	(2) Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	10/17/05 12/08/05

Contested Case Status Report

Date Recvd	Name of Case	F O	Action Appealed	Program	Assigned to	Status
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Compliance achieved.

						Penalty rescinded. Case closed.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	All tires have been removed. Solid waste to be removed by 10/31/05. Settlement offer sent 9/28/05.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Tentative settlement reached 7/22/05.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes

	Finisher Farm					counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	1/26/06 – Letter sent requesting response by 2/15/06.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a party.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Appeal settled/withdrawn. AGP did not build using the appealed construction permit and the permit has expired. Case closed.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Settled. Case closed.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	1/26/06 – Letter sent requesting response by 2/16/06.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.

1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	1/26/06 – Letter sent requesting response by 2/15/06.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Settled. Case closed.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Appeal withdrawn. Case closed.
5/06/04	Terry Nibelink	3	Order/Penalty	AFO	Clark	Collection letter sent 12/14/05.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	1/26/06 – Letter sent requesting response by 2/15/06.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Working with CDI on case management issues. All CDI cases will be consolidated.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Working with CDI on case management issues. All CDI cases will be consolidated.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from

						WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for 7/27/05. Meeting held – proposed consent order discussed. Hearing rescheduled for 11/08/05. 11/05 – Further negotiations on consent order. Hearing continued to 1/24/06. 1/06 – Further revisions to consent order made. Long Branch still considering consent order. Hearing continued to 5/5/06.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Working with CDI on case management issues. All CDI cases will be consolidated.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW/WW	Tack	Compliance achieved. Negotiating penalty.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	No hearing necessary. Penalty paid. Case closed.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	Penalty paid. No hearing necessary. Case closed.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	New permit drafted resolving issues raised in appeal. Consent order to be issued with schedule. 11/05 – Consent order drafted. 12/05 – Consent order signed by ISU (12/21) and Director (12/29) and issued. Appeal closed.
9/01/04	Marvin Maassen; Maassen & Sons	3	Order/Penalty	AFO	Book	No hearing because penalty will be paid.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	Collection letter sent 12/22/05.
9/14/04	Bill Schrock	6	Order/Penalty	WW/SW	Tack	Negotiating before filing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Waiting on response from company.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/SW	Tack	1/16/06 – Sent to DIA to be set for hearing.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.

10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Order and penalty affirmed.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	2/27/06 – Hearing will be continued as IPSCO has requested more time to respond to discovery request.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement conference scheduled for October.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Working with CDI on case management issues.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	2/27/06 – Hearing will be continued as IPSCO has requested more time to

						respond to discovery request.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	1/16/06 – Sent to DIA to be set for hearing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Settlement conference 10/27/05. UST closed in Dec., reserved penalty settlement.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Meeting on hold due to other violations.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Meeting held 1/11/06.
8/22/05	William Mauw; Mauw's Egg Ranch	3	Order/Penalty	AFO	Book	Negotiating before filing.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	New case.
11/29/05	Murl R. Hansen	4	Order/Penalty	AFO	Book	Consent amendment sent to producer on 1/27/06.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period January 1, 2006 through January 30, 2006, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '05	11(9)	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	7(7)	0.028	0.010	2	0(0)
January '06	9(6)	0.481	0.002	2	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)

September '05	3(5)	0.361	0.003	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	0	1	0	1	2

<p align="center">Monthly Variance Report February 2006</p>						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Madison County	Flood Plains		Bridge Freeboard	Approved	01/17/06
2	City of Waverly STP	Wastewater Construction	McClure Engineering	Wastewater Treatment Plant Improvements	Approved	01/19/06
3	MidAmerican Energy	Air Quality		Reagent injection for mercury emissions control in utility boiler	Denied	01/11/06
4	C.A.S.H., Inc.	Energy & Waste Management		Animal Mortality Composting	Approved	01/05/06
5	Daryl Ruff	Energy & Waste Management		Animal Mortality Composting	Approved	01/05/06
6	Amaizing Energy, LLC	Air Quality		Construct & Use Temporary Grain Receiving Pit & Conveyance System	Approved	01/05/06
7	Ag Processing, Inc.	Air Quality		Temporary boiler use during boiler repair	Approved	12/28/05
8	Midwest Processors, LLC Grain	Air Quality		Temporary plant operation w/o dryer and RTO	Approved	12/28/05
9	AMSCO, Inc.	Energy & Waste Management		Additional CCR Source	Approved	01/26/06

10	Manatts, Inc.	Flood Plains/Wastewater/ Solid Waste		Unpermitted excavation in floodplain		
11	Featherlite Manufacturing	Water Supply	Darrell Kula (Stanley Engineering)	Wellhead Construction	Denied	12/30/05

INFORMATIONAL ONLY

GENERAL DISCUSSION

Wayne Gieselmann said that in March we will present the Commission with a report on the Odor Study, that the Department has been doing for the past two and half years. We put together a summary of our test results. Included will be a comparison from other states findings.

The septage land application report has been distributed to the legislators and can be forward to anyone interested.

Sioux County has dropped from the Matrix since they were late in responding by four days. They can reapply next year.

EPA is taking a \$390 million dollar budget hit next year. The states that are cost sharing will be taking a \$416 million dollar budget hit.

INFORMATIONAL ONLY

NEXT MEETING DATES

March 20, 2006

April 17, 2006

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 3:30 p.m., Monday, February 20, 2006.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

INDEX**A**

Adjournment, 62
 Adoption of Agenda, 1
 Air Construction Permitting Exemptions
 Final Rule
 Chapter 22, 28
 Air Quality Program Rules
 Proposed Rule
 Chapters 22 and 23, 35
 Approval of Minutes, 1

C

Call to Order, 1
 Chapter 135
 Uniform Environmental Covenants
 Policy and Procedures
 Notice of Intended Action, 31
 Chapter 22
 Air Construction Permitting Exemptions
 Final Rule, 28
 Chapter 64
 Wastewater Construction and Operation
 Permits
 Notice of Intended Action, 29
 Chapter 65
 Manure Management Plan Content
 Requirements
 Proposed Rule, 35
 Chapters 22 and 23
 Air Quality Program Rules
 Proposed Rule, 35
 Chapters 40, 44, 90, 91, 92, 93
 State Revolving Fund Rule revisions
 Final Rule, 25
 Chapters 50-54
 Water Use and Water Allocation Rules
 Notice of Intended Action, 30
 CHAPTERS 68 and 69
 PROPOSED RULE, 33
 Clean Water State Revolving Loan Fund
 Intended Use Plan 2006
 Fourth Quarter Update, 20
 Commissioners Absent, 1

Commissioners Present, 1

Contract

Iowa Association of Water Agencies
 Des Moines Water Works
 City of Cedar Rapids Water Division
 City of Iowa City Water Dept.
 Rathbun Regional Water Assoc.
 Source Water Protection, 18
 Iowa State University
 Assess Sediment Related Biological
 Impairments, 9

Contract

Solid Waste Alternatives Program
 Amendment, 16

D

Directors Remarks, 8

F

Final Rule

Chapter 22
 Air Construction Permitting
 Exemptions, 28
 Chapters 40, 44, 90, 91, 92, 93
 State Revolving Fund Rule revisions,
 25

G

General Discussion, 62

I

Intended Use Plan 2006

Fourth Quarter Update
 Clean Water State Revolving Loan
 Fund, 20

Iowa State University

Assess Sediment Related Biological
 Impairments
 Contract, 9

L

LINN GROVE HATCHERY, INC
 MIKE ELSBERND

KEITH KRUSE
PROPOSED CONTESTED CASE
DECISIONS, 32

M

Manure Management Plan Content
Requirements
Proposed Rule
Chapter 65, 35
Monthly Reports, 37

N

Next Meeting Dates, 62
Notice of Intended Action
Chapter 135
Uniform Environmental Covenants
Policy and Procedures, 31
Chapter 64
Wastewater Construction and
Operation Permits, 29
Chapters 50-54
Water Use and Water Allocation
Rules, 30

P

PROPOSED CONTESTED CASE
DECISIONS
LINN GROVE HATCHERY, INC
MIKE ELSBERND
KEITH KRUSE, 32

Proposed Rule
Chapter 65
Manure Management Plan Content
Requirements, 35
Chapters 22 and 23
Air Quality Program Rules, 35

PROPOSED RULE
CHAPTERS 68 and 69, 33

R

Referrals to the Attorney General, 10

S

Solid Waste Alternatives Program
Contract

Amendment, 16
Recommendations, 17
Source Water Protection
Contract
Iowa Association of Water Agencies
Des Moines Water Works
City of Cedar Rapids Water
Division
City of Iowa City Water Dept.
Rathbun Regional Water
Assoc., 18
State Revolving Fund Rule revisions
Final Rule
Chapters 40, 44, 90, 91, 92, 93, 25

U

Uniform Environmental Covenants Policy
and Procedures
Notice of Intended Action
Chapter 135, 31

W

Wastewater Construction and Operation
Permits
Notice of Intended Action
Chapter 64, 29
Water Use and Water Allocation Rules
Notice of Intended Action
Chapters 50-54, 30